

# Notification Of Compliance Status (NOCS)

**Note:** While these questions and answers constitute the best available information at this time, the EPA recommends that you consult your State or local air pollution control agency for any final determinations. State and local agencies may implement provisions that are more stringent than those contained in the NESHAP.

## Questions and Answers 4/5/99

### Question #1:

If a facility subject to Subpart GG doesn't conduct a performance test, are they still required to submit a Notification of Compliance Status (NOCS)?

*According to 63.9(h):* Before the Title V permit is issued, the NOCS must be submitted by 60 days after completion of relevant compliance demonstration activities (e.g., initial performance tests and subsequent performance tests).

If no performance test is required but opacity or visible emission observations are required to demonstrate compliance with an opacity of visible emissions standard in the NESHAP, then the NOCS must be submitted by 30 days following the completion of these observations.

The facility in question hasn't been required to conduct any initial performance tests or opacity/visible emissions observations. Therefore, it appears that there has been no relevant compliance demonstration activity to require submittal of the NOCS. After the Title V permit has been issued, the facility will comply with the reporting provisions stated in the permit. In light of the information above, does the facility need to submit an NOCS?

### Answer #1:

Yes, your facility still needs to submit a NOCS by May 1, 1999. This is because the NOCS is triggered by a compliance demonstration, which can be a performance test, but isn't always.

For example, let's assume the facility is using complaint coatings. In 63.749(d)(1) it states that "For uncontrolled coatings that are not averaged, each 24 hours is considered a performance test. For complaint and noncompliant coatings that are averaged together, each 30-day period is considered a performance test..." 63.750(c)-(e) states what the facility must do to determine compliance for uncontrolled primers and topcoats.

Also, a source may have other compliance demonstrations that don't involve any performance test.

The intent was for the NOCS report to identify a source's compliance status the first 6 months of operation and then require a subsequent report every 6 months after the NOCS (these are the semiannual reports). This is based on what is stated in 63.753 (b)(1), (c)(1), (d)(1) and (e).

**Question #2:**

Where did the May 1, 1999 date come from?

**Answer #2:**

Under 63.7 owners/operators are given 180 days to conduct the relevant compliance demonstration. The compliance demonstration procedures are specified in 63.749 and the dates required vary. So base everything on the 180 days and 63.(h)(2)(ii), which states, before the Title V permit is issued, "The NOCS must be sent before the COB on the 60th day following the completion of the relevant compliance demonstration activities specified in the relevant standard..." This is where the May 1, 1999 date for submitting the NOCS came from.

**Question #3:**

Can I change the dates my report is due?

**Answer #3:**

The NOCS is a notification separate from your Semiannual and Annual report and must be submitted by May 1, 1999. However, under 63.10(a)(5), the dates that reports are submitted can be changed beginning 1 year after the affected source's compliance date (September 1, 1999) if the change is mutually agreed upon by you and your State, and as long the frequency (semiannually) doesn't change.